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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/741,677	12/19/2003	Robert Katta	042933/271714	4167
826	7590	09/25/2006	EXAMINER ALAM, SHAHID AL	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			ART UNIT 2162	PAPER NUMBER

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/741,677	KATTA ET AL.
	Examiner	Art Unit
	Shahid Al Alam	2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 August 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 5-8, 16-18 and 22-24 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4, 9-15 and 19-21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 May 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06302005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 4, 9 – 15 and 19 – 21 are pending in this Office action.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 – 4, 9 – 15 and 19 – 21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

To be statutory, a claimed computer-related process must either: (A) result in a physical transformation outside the computer for which a practical application is either disclosed in the specification or would have been known to a skilled artisan, or (B) be limited to a practical application with useful, concrete and tangible result.

Claims 1 and 9 recite an application which is a software and the application comprising a computer readable storage medium which is a hardware. Hence, claimed limitation teaches that a software contains a hardware, but software cannot contain a hardware.

Claims 1 – 4, 9 – 15 and 19 – 21 teaches instructions for segmenting information, instructions for selecting segments and instructions for assigning identifying attributes.

In the above limitation, there is no physical transformation being claimed, a practical application would be established by a useful, concrete and tangible result.

For it to be a tangible result, it must be more than a thought or a computation and must have a real world value rather than being an abstract idea. The invention as recited in the claim languages is to assign identifying attributes. It is unclear as to what kind of tangible result is obtained by assigning identifying attributes.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 4, 9 – 15 and 19 – 21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 6,389,436 issued to Soumen Chakrabarti ("Chakrabarti").

With respect to claim 1, Chakrabarti teaches first instructions for segmenting information on a network resource (see Figure 1) to define segments of derivable content; second instructions for selecting one or more segments of derivable content; and third instructions for assigning a plurality of identifying attributes to each selected segment of derivable content (*When a new document is to be classified in a neighborhood, the hypertext classifier processes the new document and all documents in a neighborhood around the document through a text-based classifier. The hypertext classifier identifies the neighborhood of the new document to be classified. . . . all documents containing hyperlinks that points to the new document; see column 6, lines*

28 – 42. see also Figure 11, items [1102: document to be classified and 1104: classified document]).

As to claim 2, instructions for segmenting information on a network resource at various levels of segmentation to allow a user to identify a segment that includes desired derivable content (Figure 2, item 200; Identify Documents).

As to claim 3, the identifying attributes as an identifying attribute chosen from the group consisting of content of the segment, relation of the segment to other objects, and the structure of the network resource (Figure 2, item 204; Identify a class for Each Document).

As to claim 4, provides for network-user input to the assigning of the plurality of identifying attributes (Figure 2, item 206; Identified Classes).

The subject matters of claims 9 – 11, 12 – 15 and 19 – 21 are rejected in the analysis above in claims 1 – 4 and these claims are rejected on that basis.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,055,544 issued to DeRose et al.

U. S. Patent 6,493,711 issued to Jeffrey.

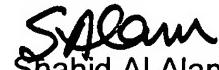
U.S. Patent 6,941,325 issued to Benitez et al.

Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shahid Al Alam whose telephone number is (571) 272-4030. The examiner can normally be reached on Monday-Thursday 8:00 A.M.- 4:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Shahid Al Alam
Primary Examiner
Art Unit 2162

17 September 2006